

**AMENDMENT TO THE FOURTH DEED OF TRUST HOME LOAN
AGREEMENT BETWEEN THE CITY OF DURHAM AND SOUTHSIDE
REVITALIZATION PHASE 1 LP**

This contract amendment ("Amendment") is dated and entered into as of the _____ day of _____, 20_____, between Southside Revitalization Phase 1 LP ("Developer") and City of Durham ("Grantee").

The City and the Developer entered into a contract titled "Southside Revitalization Phase 1 LP Amended and Restated Construction/Permanent Loan Agreement" dated September 24, 2012 (the "Agreement"). The "Agreement" is hereby amended as follows:

1. In Section 1.10 "Commitment" The loan amount is revised to read \$2,533,739.00.
2. In Section 2.1 "Loan by City" the loan amount is revised to read \$2,533,739.00.
3. In Section 2.6 (c) "Amount of Disbursement" the City's commitment is revised to read \$2,533,739.00.
4. E-Verify Compliance. The Developer represents and covenants that the Developer and its subcontractors comply with the requirements of Article 2 of Chapter 64 of the North Carolina General Statutes (NCGS). The City is relying on this E-Verify Compliance section in entering into this contract. The parties agree to this section only to the extent authorized by law. If this section is held to be unenforceable or invalid in whole or in part, it shall be deemed amended to the extent necessary to make this contract comply with NCGS 160A-20.1(b).
5. Except as amended, the Agreement is reaffirmed and remains in full force and effect.

IN TESTIMONY WHEREOF, the parties hereto have caused this Agreement be duly executed by their authorized agents.

City of Durham

By: _____
Thomas J. Bonfield, City Manager

ATTEST: Durham

City Clerk

Southside Revitalization Phase 1 LP, a
Missouri Limited Partnership

By: Southside Revitalization Phase 1MBS
GP, Inc., a Missouri Corporation, its General
Partner

By: _____
Name: Kevin J. McCormack
Title: President

ATTEST:

Corporate Secretary

**NORTH CAROLINA
COUNTY OF DURHAM**

I, a Notary Public in and for the aforesaid county and state certify that _____ personally appeared before me this day, and acknowledged that she is the City Clerk of the City of Durham, a municipal corporation, and that by authority duly given and as the act of the City, the foregoing agreement was signed in its corporate name by Thomas J. Bonfield, its City Manager, sealed with its corporate seal, and attested by its said City Clerk. This the _____ day of _____, 2014.

My Commission expires:

Notary Public

**STATE OF MISSOURI
CITY OF ST. LOUIS**

I, a notary public in and for the aforesaid county and state, certify that Kevin J. McCormack personally appeared before me this day and stated that he or she is the President of Southside Revitalization Phase 1 MBS GP, Inc., which is the general partner of Southside Revitalization Phase 1 LP, a Missouri limited partnership, and that by authority duly given and as the act of the limited partnership, the foregoing agreement with the City of Durham was signed in its name by its president, whose name is Kevin J. McCormack, sealed with its corporate seal, and attested by him/herself as its said Asst. Secretary. This the _____ day of _____, 2014.

My Commission Expires:

Notary Public

PRE-AUDIT STATEMENT

This instrument has been pre-audited in the manner required by the Local Government Budget and Fiscal Control Act.

City of Durham Finance Officer

Date